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Pregnancy Employment Guidelines

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PREGNANCY EMPLOYMENT GUIDELINES

Federal

The U. S. Congress Amended Title VII of the Civil Rights Act of 1964 to extend the protection of that Law to pregnant women. This move primarily served to clarify Congressional intent in the area of sex discrimination, and became effective in April of 1979.

State of Illinois

Since 1971 it has been considered a violation of the State Fair Employment Practices Act to discriminate against a person because of their sex. In 1976 the Illinois Fair Employment Practices Commission clarified their position on pregnancy in the Guidelines by declaring that discrimination based on pregnancy was a violation of the FEP Act.

These Guidelines are reprinted here to inform the public of their rights as citizens and responsibilities as employers in the State of Illinois.

GUIDELINES ON DISCRIMINATION IN EMPLOYMENT
UNDER
THE FAIR EMPLOYMENT PRACTICES ACT
ADOPTED OCTOBER 13, 1978

Article II Discrimination Because of Sex

Section 2.10 Pregnancy, Childbirth and Childrearing:

A) A written or unwritten policy or practice which excludes from employment applicants or employees because of pregnancy is considered to be a violation of the Act.

B) Temporary disability resulting from pregnancy, miscarriage, abortion, childbirth and recovery therefrom must be considered by an employer to be a justification for a leave of absence for a female employee for a reasonable period of time. The terms or conditions of pregnancy-related disability leaves of absence may not be more restrictive than those applied to disability leaves of absence for other purposes. When granting pregnancy-related disability leaves of absence, the employer must allow the employee to continue working as long as she is physically able to perform the duties of the job and must allow her to return to her original position, or to a position of a like status and pay, as soon as she is physically able to resume her duties. Exceptions must be justified by the employer on the basis of business necessity.

C) Non-disability leaves of absence for the purpose of childrearing should be granted on the same terms and conditions applied to other non-disability leaves of absence. An employer's policy or practice regarding leaves for childrearing must be applied equally to male and female employees.

D) Illness or disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom must be treated as any other temporary disability under a sick leave, disability or medical benefit plan available in connection with employment. Written or unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability or extensions, the accrual of seniority and other benefits and privileges, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, must be applied to disability due to or related to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

E) An employer's leave policies and pregnancy-related benefits must apply equally to married and unmarried employees.

Chicago Office

Fair Employment Practices Commission
179 West Washington
Chicago, IL 60602

Springfield Office

Fair Employment Practices Commission
#3 West Old State Capitol Plaza
Myers Building, 2nd Floor
Springfield, Illinois 62701

Federal EEOC Office

Equal Employment Opportunity Commission
536 South Clark Street
Chicago, IL 60605

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